# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS MIDLAND-ODESSA DIVISION

| JARED LEE, DANA ELLIS,      | § |                               |
|-----------------------------|---|-------------------------------|
| MATTHEW COUNTS,             | § |                               |
| GREGORY MCCLENDON, and      | § |                               |
| BARRY RUSSELL,              | § |                               |
|                             | § | Civil Action No. 7-22-cv-0185 |
| Plaintiffs,                 | § |                               |
| v.                          | § |                               |
|                             | § | JURY DEMANDED                 |
| CITY OF MIDLAND, JENNIE     | § |                               |
| ALONZO, ROSEMARY SHARP, and | § |                               |
| CAMILO FONSECA              | § |                               |
|                             | § |                               |
| Defendants.                 | § |                               |
|                             |   |                               |

# **JOINT ADVISORY TO THE COURT**

Counsel for Plaintiffs and Defendants have conferred. The parties agree that Plaintiffs' First Amended Complaint [ECF No. 27] moots Defendants' Motion to Dismiss [ECF No. 20] such that a response by Plaintiffs to Defendants' motion would be unnecessary. Defendants will file its Motion to Dismiss Plaintiffs' First Amended Complaint in accordance with Federal Rule of Civil Procedure 15(a)(3) and any further order of this Court.

Respectfully submitted,

By: /s/ Rusty Hardin
Rusty Hardin
Attorney-in-Charge
Texas State Bar No. 08972800

OF COUNSEL:

RUSTY HARDIN & ASSOCIATES, LLP Lara Hollingsworth Texas State Bar No. 00796790 John G. MacVane Texas State Bar No. 24085444 Aisha Dennis Texas State Bar No. 24128655 1401 McKinney Street, Suite 2250

Houston, Texas 77010 Telephone: (713) 652-9000 Facsimile: (713) 652-9800

Email: rhardin@rustyhardin.com

Email: lhollingsworth@rustyhardin.com Email: jmacvane@rustyhardin.com Email: adennis@rustyhardin.com

#### LAW OFFICES OF JEFF PARRAS

/s/ Jeffrey Parras

Jeffrey Parras
Texas State Bar No. 00792741
908 West Wall Street
Midland, Texas 79701
Telephone: (432) 687-1606

Facsimile: (432) 687-1607 Email: jparras@parraslaw.net

## **ATTORNEYS FOR PLAINTIFFS**

## **CERTIFICATE OF CONFERENCE**

Counsel for Plaintiffs have conferred with counsel for Defendants and determined that Defendants' counsel joins in this advisory to the Court.

/s/ John MacVane
John MacVane

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2022 a true and correct copy of the above pleading filed via the CM/ECF system which served the document on all counsel of record.

/s/ John MacVane
John MacVane